

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

**MATTHEW and JONNA AUDINO and
DANIEL OGLES JR.**, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A.

Defendant.

Case No. 4:16-cv-00631-SMR-HCA

**DECLARATION OF ERIC H. GIBBS IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL**

I, Eric H. Gibbs, declare as follows:

1. I am the managing partner of Gibbs Law Group LLP, a plaintiffs' class action firm in Oakland, California. My firm is counsel for Plaintiff Daniel Ogles, Jr. and the putative class in the related action entitled *Ogles Jr. v. JP Morgan Chase Bank, N.A.*, Case No. 3:17-cv-06593-MMC, pending in the Northern District of California. As part of the proposed settlement in this action, my firm, along with Paul LLP and the Rouse Law, P.C., is filing a conditional Amended complaint in this action in which Mr. Ogles will join plaintiffs Matthew and Jonna Audino as class representatives for the Settlement Class. The three firms--Paul LLP, Rouse Law, P.C., and Gibbs Law Group firm are requesting to be appointed Class Counsel for the settlement Class. I make this declaration in support of Plaintiffs' Motion for Preliminary Approval of Class Settlement based on personal knowledge of this case and my extensive experience litigating complex consumer class actions.

2. My firm filed has been actively involved in the litigation concerning Chase's alleged unlawful Post-Payment interest charges on FHA loans. We filed the *Ogles* action on November 15, 2017 on behalf of Mr. Ogles, Jr. and on behalf of a putative class of California borrowers. The *Ogles* complaint alleges a breach of contract claim similar to the one brought here and, in addition, a claim under California's Unfair Competition Law. Soon after we filed this complaint, I learned that counsel in this action were already scheduled to mediate with Chase. After conferring with Mr. Paul, we agreed to jointly mediate our claims against Chase. The *Ogles* action was stayed pending this mediation process.

3. In preparation for the mediation, my firm worked closely with the Paul and Rouse firms to analyze the data Chase produced, research and draft the mediation brief and analyze Chase's mediation brief. On March 13, 2018, I, along with my partner Michael Schrag who also

has over twenty years of experience litigating complex class actions, participated in a full-day mediation in Chicago before the Honorable Morton Denlow (Ret.) of JAMS. While the parties made progress that day, the case did not settle. Several days after the mediation, the parties accepted Judge Denlow's mediator's proposal and reached an agreement in principal to settle the case. For approximately the last ten weeks since the parties accepted the mediator's proposal, Mr. Schrag and I have been actively involved in efforts to negotiate and draft a final settlement agreement, class notice, and preliminary approval briefs, declarations, proposed orders and exhibits.

4. Based on my familiarity with this litigation, I have no reservation in recommending that the Court find that the settlement is fair, reasonable, and adequate such that it should be approved. I believe this settlement to be an excellent result for the class, particularly at this early stage of the litigation and the risks at the class certification and merits stages.

5. I base this conclusion in substantial part on my extensive experience litigating consumer class actions, including prior experience as class counsel in *In re Chase Bank USA, N.A. "Check Loan" Contract Litigation* (MDL No. 2032 N.D. Cal.). I have been appointed to leadership positions in dozens of significant class actions and coordinated proceedings, and currently serve in leadership positions in *In re Equifax, Inc. Customer Data Security Breach Litigation*, *In re Am. Honda Motor CR-V Vibration Litigation*, *In re: Wells Fargo Auto Insurance Marketing and Sales Practices Litigation*, *In re Anthem, Inc. Data Breach Litigation*, *In re Risperdal and Invega Product Liability Cases*, *In re Vizio, Inc., Consumer Privacy Litigation* and *In re Banner Health Data Breach Litigation*. Attached as **Exhibit 1** is a true and correct copy of Gibbs Law Group LLP's firm resume, which details that experience as well as Mr. Schrag's experience.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct and that this declaration was executed on June 13, 2018.



Eric H. Gibbs



Firm Resume

Gibbs Law Group is a national litigation firm representing plaintiffs in class and collective actions in state and federal courts, and in arbitration matters worldwide. The firm serves clients in securities and financial fraud, antitrust, consumer protection, whistleblower, personal injury, and employment cases. We are committed to achieving favorable results for all of our clients in the most expeditious and economical manner possible.

The firm regularly prosecutes multi-state class actions and has one of the best track records in the country when it comes to successfully certifying classes, developing practical damages methodologies, obtaining prompt relief for class members victimized by unlawful practices, and working cooperatively with other firms.

Our attorneys take pride in their ability to simplify complex issues; willingness to pursue narrow and innovative legal theories; ability to work cooperatively with other plaintiffs' firms; and desire to outwork and outlast well-funded defense teams.

As a result, our attorneys are frequently recognized by the courts, our peers, and the legal media for their ability to provide the highest caliber of legal service. Eric Gibbs was listed among the *Daily Journal's* "Top 30 Plaintiff Lawyers in California for 2016," named *Law360's* "2016 Consumer Protection MVP," and included among the "Top 100 Super Lawyers" in Northern California. Mr. Gibbs has also been named in *The Best Lawyers in America* (2012-2016) for his work in Mass Tort Litigation/Class Actions, and was featured as one of San Francisco's Top AV-Preeminent Rated Lawyers. Many of our attorneys are recognized annually as Northern California *Super Lawyers* and *Rising Stars*.

ATTORNEYS

Partners

<i>Eric Gibbs</i>	<i>p. 2</i>
<i>David Berger</i>	<i>p. 4</i>
<i>A.J. De Bartolomeo</i>	<i>p. 7</i>
<i>Dylan Hughes</i>	<i>p. 7</i>
<i>Karen Barth Menzies</i>	<i>p. 8</i>
<i>Geoffrey Munroe</i>	<i>p. 9</i>
<i>Andre Mura</i>	<i>p. 10</i>
<i>Michael Schrag</i>	<i>p. 12</i>
<i>David Stein</i>	<i>p. 13</i>
<i>Steven Tindall</i>	<i>p. 15</i>
<i>Amy Zeman</i>	<i>p. 16</i>

Of Counsel

<i>John Kehoe</i>	<i>p. 18</i>
<i>Robert Mosier</i>	<i>p. 19</i>
<i>Michael Yarnoff</i>	<i>p. 20</i>

Associates

<i>Joshua Bloomfield</i>	<i>p. 21</i>
<i>Aaron Blumenthal</i>	<i>p. 21</i>
<i>Caroline Corbitt</i>	<i>p. 21</i>
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<i>Steve Lopez</i>	<i>p. 22</i>

SIGNIFICANT RECOVERIES

<i>Securities & Financial Fraud</i>	<i>p. 22</i>
<i>Antitrust & Unfair Business Practices</i>	<i>p. 24</i>
<i>Mass Tort</i>	<i>p. 26</i>
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<i>Government Reform</i>	<i>p. 30</i>

ATTORNEYS

Partners



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Practice Emphasis

Antitrust & Unfair Competition
Banking and Financial Fraud
Class Actions
Consumer Protection
Employment Law
Mass Personal Injury
Whistleblower

Education

Seattle University School of
Law, J.D., 1995

San Francisco State
University, B.A., 1991

Admissions

California

Awards & Honors

Consumer Protection MVP,
Law 360, 2016

*Top 30 Plaintiff Lawyers in
California for 2016* by the
Daily Journal

*Best Lawyers in America for
Class Actions/ Mass Tort
Litigation (2012-2016)*

*AV Preeminent® Peer
Review Rated* by Martindale-
Hubbell

*Top 100 Super Lawyers in
Northern California (2010 -
2017)*

Eric H. Gibbs | Partner

Eric Gibbs prosecutes antitrust, consumer protection, whistleblower, financial fraud and mass tort matters. He has been appointed to leadership positions in dozens of contested, high profile class actions and coordinated proceedings, and currently serves in leadership positions in *In re Equifax, Inc. Customer Data Security Breach Litigation*, *In re Am. Honda Motor CR-V Vibration Litigation*, *In re: Wells Fargo Auto Insurance Marketing and Sales Practices Litigation*, *In re Anthem, Inc. Data Breach Litigation*, *In re Risperdal and Invega Product Liability Cases*, *In re Hyundai Sonata Engine Litigation*, *In re Vizio, Inc., Consumer Privacy Litigation* and *In re Banner Health Data Breach Litigation*. Eric has recovered nearly a billion dollars for the clients and classes he represents, and has negotiated groundbreaking settlements that resulted in meaningful reforms to business practices, and have favorably impacted plaintiffs' legal rights.

Reputation and Recognition by the Courts

In over twenty years of practice, Eric has developed a distinguished reputation with his peers and the judiciary for his ability to work efficiently and cooperatively with co-counsel, and professionally with opposing counsel in class action litigation.

"[Mr. Gibbs] efficiently managed the requests from well over 20 different law firms and effectively represented the interests of Non-Settling Plaintiffs throughout this litigation."

- Hon. G. Wu, *In re Hyundai & Kia Fuel Economy Litig.* (C.D. Cal)

"The attorneys who handled the case were particularly skilled by virtue of their ability and experience."

- Hon. D. Debevoise, *In re: Mercedes-Benz Teleaid Contract Litig.* (D. N.J.)

"They are experienced and knowledgeable counsel and have significant breadth of experience in terms of consumer class actions."

- Hon. R. Sabraw, *Mitchell v. Am. Fair Credit Assoc'n* (Alameda Cty. Superior Ct.)

"Representation was professional and competent; in the Court's opinion, counsel obtained an excellent result for the class."

- Hon. J. Fogel, *Sugarman v. Ducati N. Am.* (N.D. Cal)

Achievements and Leadership

Eric has been widely recognized for his professional excellence and achievements, and has been selected by numerous publications as a leading lawyer in the field of Class and Mass Actions. The *Daily Journal* named Eric to its prestigious list of "Top Plaintiff Lawyers in California" for 2016. Consumer Attorneys of California selected Eric and co-counsel as finalists for *Consumer Attorney of the Year* for their work in achieving \$100 million settlement in the Chase "Check Loan" Litigation. His cases have been chronicled in major legal and news publications including *NBC News*, *CNN*, the *National Law Journal*, *The New York Times*, *Auto Week*, *Market Watch*, and *Bloomberg News*. Eric holds a variety of leadership positions in professional associations for consumer advocacy, and he is frequently presents on developing trends in the law at conferences throughout the country.

Litigation Highlights

In re Chase Bank U.S.A., N.A. "Check Loan" Contract Litigation – multidistrict litigation that alleged Chase Bank wronged consumers by offering long-term fixed-rate loans, only to later more-than-double the required loan payments. Eric led negotiations in the case, which resulted in a \$100 million settlement with Chase eight weeks prior to trial.

In re Adobe Systems Inc. Privacy Litigation – As court-appointed lead counsel, Eric and his team reversed a long line of decisions adverse to consumers whose personal information was stolen in data breaches. Judge Koh issued a 41 page decision in plaintiffs' favor and Eric negotiated a comprehensive reform of Adobe's data security practices. The court's landmark decision on Article III standing in this case marked a sea change and has been cited favorably in over twenty cases in the year since it was issued.

In re Hyundai & Kia Fuel Econ. Litigation – As court-appointed liaison counsel, Eric reconciled the plaintiffs' interests and coordinated discovery and settlement negotiations. He helped finalize a settlement with an estimated value of up to \$360 million.

Skold v. Intel Corp. – After more than a decade of litigation, Eric as lead counsel achieved a nationwide class action settlement on behalf of approximately 5 million consumers of Intel Pentium 4 processors. The lawsuit changed Intel's benchmarking practices and Intel agreed to a cash settlement for the class, along with \$4 million in charitable donations.

Parkinson v. Hyundai Motor America – Eric served as class counsel in this lawsuit alleging that the flywheel and clutch system in certain Hyundai vehicles was defective. After achieving nationwide class certification, Hyundai agreed to a settlement that provided for 50-100% reimbursements to class members for their repairs and full reimbursement for rental vehicle expenses.

De La Cruz v. Masco Retail Cabinet Group – Eric served as lead attorney litigating the collective claims of dozens of misclassified account representatives for overtime pay under the Fair Labor Standards Act (FLSA). Successfully certified a class of current and former Masco account representatives and personally arbitrated the case to judgment obtaining full recovery for the class.

In re Providian Credit Card Cases – Eric played a prominent role in this nationwide class action suit brought on behalf of Providian credit card holders alleging that Providian engaged in unlawful and fraudulent business practices in connection with the marketing and fee assessments for its credit cards. The Honorable Stuart Pollack approved a \$105 million settlement, plus injunctive relief—one of the largest class action recoveries in the United States arising out of consumer credit card litigation.

Professional Affiliations

American Association for Justice- Board of Governors; Co-chair Consumer Privacy and Data Breach Litigation Group; Co-founder and past co-chair of AAJ Litigation Group, past editor of Class Action Litigation Group newsletter; creator and current chair of Class Action Litigation Group objector database and task force.

Association of Business Trial Lawyers

Consumer Attorneys of California- Board of Governors

National Association of Consumer Advocates

Pound Civil Justice Institute - Fellow

Public Justice Foundation- Class Action Preservation Project Committee

San Francisco Trial Lawyers Association



David M. Berger | Partner

David Berger represents plaintiffs in class actions with a special emphasis on data breach, privacy, and health care litigation. Mr. Berger has represented plaintiffs in complex lawsuits following some of the nation's largest retail and healthcare data breaches, including litigation against Adobe, Anthem, Home Depot, Experian, and Excellus BlueCross BlueShield, among others. Prior to joining Gibbs Law Group, Mr. Berger was a law clerk in the Northern District of California, litigation counsel for the Economic Community of West African States, and an associate at Robins, Kaplan, Miller, and Ciresi.

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Practice Emphasis

Class Actions
Consumer Protection
Privacy

Education

J.D., Northwestern University
School of Law, 2008

B.A., University of Wisconsin,
Madison, 1998

Admissions

California

Representative Work

In re Anthem, Inc. Data Breach Privacy Litigation – Key member of the litigation team representing interests of plaintiffs and putative class members following massive data breach of approximately 80 million personal records, including names, dates of birth, Social Security numbers, health care ID numbers, email and physical addresses, employment information, and income data.

Fero v. Excellus Health Plan Inc. – Key member of the litigation team representing the interests of 7 million Excellus health plan subscribers and 3.5 million Lifetime subscribers whose personal and medical information was compromised.

In re Adobe Systems Inc. Privacy Litigation – Key member of the litigation team that succeeded in reversing a long line of decisions adverse to consumers whose personal information was stolen in data breaches. Judge Koh issued a 41-page decision in plaintiffs' favor and the settlement resulted in a comprehensive reform of Adobe's data security practices. The court's landmark decision on Article III standing in this case marked a sea change and has been cited favorably in over twenty cases in the year since it was issued.

Awards & Honors

Named a Northern California "Rising Star" by Super Lawyers (2016- 2017)

Professional Affiliations

American Association for Justice
Consumer Attorneys of California

Presentations and Publications

Presenter, "Hot Topics in Consumer Class Actions Against Insurers: Filed Rate Doctrine, Standing, and Reverse Preemption of RICO Claims," Sacramento California Insurance Regulation and Litigation Seminar, Clyde & Co., March 2018.

Presenter, "Winning strategies in privacy and data security class actions: the plaintiffs' perspective," Berkeley Center for Law & Technology, Boalt Hall School of Law, January 2017.

Presenter, "Don't be Spokeo'd: What You Need to Know in Litigating Data Breach Cases (from breach to remedies)," ABA Business Law Section Annual Meeting, September 8, 2016.

Presenter, "Developments in 'E-Commerce' Class Actions and Privacy Law," Perrin Class Action Litigation Conference, May 16, 2016.

Presenter, "Data Breach Class Action Litigation," Mass Torts Made Perfect Conference, April 22, 2016.



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Practice Emphasis

Class Actions
Consumer Protection
Employment Law
Mass Personal Injury
Securities Law

Education

University of California,
Hastings College of Law,
J.D., 1988

Fairfield University, B.A.,
1982

University of London,
London School of
Economics (General
Course Degree, 1981)

Admissions

California

Awards & Honors

AV Preeminent® Peer
Review Rated by
Martindale-Hubbell

*Northern California Super
Lawyer* (2013 - 2017)

AAJ Above and Beyond
Award, 2018

AAJ *Distinguished Service
Award*, 2016

A.J. de Bartolomeo | Partner

A.J. De Bartolomeo has nearly thirty years of experience prosecuting class actions and complex matters in courts throughout the country. She has extensive expertise litigating mass personal injury matters involving defective drugs and medical devices. A.J. currently serves in court-appointed leadership positions in several MDL mass tort actions, including serving on the Plaintiffs' Steering Committees in the *In re: Yaz and Yasmin Birth Control Litigation*, *In re: Actos Products Liability Litigation* and *In re: Pradaxa Products Liability Litigation*. She serves on the Law and Briefing committees and has been involved with *Daubert* briefings in a number of cases. A.J. previously served on the Plaintiff's Steering Committee in the *In re Transvaginal Mesh Litigation*.

Committed to advancing opportunities for women lawyers, Ms. De Bartolomeo is the former Chair of the Women's Trial Lawyer Caucus of the American Association of Justice, where she oversaw the caucus's work in leadership training, student scholarship, membership and political outreach, and other pro-civil justice functions. She is an active member of the American Bar Association Sections on Tort Trial and Insurance Practice, the American Bankruptcy Institute and Consumer Attorneys of California. Ms. De Bartolomeo has been named among the highest class of attorneys for professional ethics and legal skills with an AV-Preeminent rating by *Martindale Hubbell*, and was recognized by her peers as a Northern California *Super Lawyer* every year since 2013.

Ms. De Bartolomeo frequently speaks before industry organizations on developments in consumer class actions, mass tort litigation, *Daubert* challenges, Rule 37 and Inherent Power sanctions, and the settlement approval process.

Litigation Highlights

Consumer Protection, Bankruptcy and Securities Litigation

In re Motors Liquidation Company, et al., f/k/a General Motors Corp., et al.

(Bankruptcy Litigation) – A.J. served as Lead Counsel for unsecured creditors in two class action cases in the General Motors bankruptcy proceedings (court-certified classes in *In Re Piston Slap Class Litigation* and *In Re Dex-Cool Class Litigation*). The cases were settled in Bankruptcy Court for nearly \$12 million.

In re American Express Advisors Securities Litigation – Served as second chair and achieved settlement of \$100 million on behalf of individuals who bought financial plans and invested mutual funds from American Express Financial advisors.

CalSTRS v. Qwest Communications, et al. – Served as Co-Lead Counsel in the representation of California State Teachers' Retirement System in opt-out securities fraud action against Qwest Communications, Inc. and certain of its officers and directors, as well as its outside auditor Arthur Andersen. Settled for \$45 million.

Telstar v. MCI, Inc. – Served as lead counsel achieving settlement of more than \$2.8 million in cash on behalf of class of commercial subscribers alleging FCA violations for unfair billing practices.

In re MCI Non-Subscriber Rates Litigation – Served as second chair and achieved \$90 million cash settlement on behalf of MCI subscribers who were charged MCI's non-subscriber or "casual caller" rates and surcharges instead of the lower rates which MCI advertised and subscribers expected to be charged.

Lehman v. Blue Shield – A.J. served as lead counsel and achieved a settlement for more than \$6.5 million in cash on behalf of class of subscribers overpaying insurance premiums.

Mass Personal Injury

In re: Yaz & Yasmin Birth Control Litigation – A.J. serves on the Plaintiffs’ Steering Committee in this coordinated litigation on behalf of women throughout the country who suffered serious side effects after taking Yaz, Yasmin and Ocella birth control. She serves as co-chair of the Law and Briefing committee and substantially contributed to the *Daubert* briefing that defeated all of the defendants’ 16 challenges to plaintiffs’ expert testimony.

In re: Actos Products Liability Litigation – A.J. serves on the Plaintiffs’ Steering Committee in this coordinated litigation on behalf of individuals who were diagnosed with bladder cancer after taking the oral anti-diabetic drug Actos. She serves as a member of the Law and Briefing committee in this litigation.

In re: Pradaxa Products Liability Litigation – A.J. serves on the Plaintiffs’ Steering Committee in this coordinated litigation on behalf of individuals who suffered internal hemorrhaging and other serious complications after taking the anticoagulant drug Pradaxa. She serves on the *Daubert* briefing committee in this case.

Professional Affiliations

American Association for Justice

Member, Board of Governors

Chair, State Trial Lawyers Association (TLA) Outreach Committee

Former Chair, Women’s Trial Lawyer’s Caucus;

Member, Class Action Litigation Group.

Consumer Attorneys of California

American Bar Association- Tort Trial and Insurance Practice Section

American Bankruptcy Institute

Association of Business Trial Lawyers

Publications & Recent Presentations

Presenter, “Communicating with the Class,” Class Action Mastery Conference, HB Litigation, May 2018.

Presenter, “Current Class Action Landscape in Opioids Multidistrict Litigation,” HB Litigation: Opioid Crisis- Claims, Damages & Science, January 2018.

Presenter, “Class Treatment: Can These Claims be Resolved by a Class Action?” American Association for Justice: Opioid Litigation Seminar, September 2017.

Presenter and Moderator, “Are you going to eat that? Issues, hurdles and opportunities in food and supplement litigation,” 26th Annual Spring CLE Meeting for the American Bar Association Tort and Insurance Practice Section (TIPS), Toxic Torts and Environmental Law Committee, April 2017.

Presenter, “Strategies for Dealing with Objectors to Class Action Settlements,” Consumer Attorneys of California Class Action Seminar, February 2017.

Presenter, “Plastic in the Pelvis: Essure and Mesh Litigation,” Harris Martin Women’s Health Litigation Conference, June 2016.

Presenter, “Combatting the Latest Defense Tactics in Mass Torts/ Plaintiff Practice,” Consumer Attorneys of California Sonoma Travel Seminar, April 2016.

Presenter, “Mass Tort Claims, Product Testing and Causation Issues,” 25th Annual Spring CLE Meeting for the American Bar Association Tort Trial and Insurance Practice Section (TIPS) Toxic Torts and Environmental Law Committee, April 2016.



Dylan Hughes | Partner

Dylan Hughes concentrates his practice on investigating and prosecuting fraud matters on behalf of whistleblowers, consumers and employees who have been harmed by corporate misconduct. He coordinates initial case evaluations and analyses in a variety of practice areas and has substantial experience in matters involving health care fraud, particularly in the Medicare and pharmaceutical contexts. Dylan represents consumers in cases ranging from false advertising to defective products, and employees in misclassification and wage and hour cases under state and federal laws.

Mr. Hughes has extensive experience prosecuting complex personal injury cases. He helped to obtain millions of dollars for women who suffered blood clots and other serious injuries after taking birth control pills. He has also represented clients injured by defective medical devices, including defibrillators, blood filters, as well as back pain implants. Mr. Hughes was part of the team that recently settled a case alleging medical malpractice for a spinal surgery that resulted in partial paralysis.

Mr. Hughes began his career as a law clerk for the Honorable Paul A. Mapes, Administrative Law Judge of the Office of Administrative Law Judges, United States Department of Labor. He is a member of the American Bar Association, Consumer Attorneys of California, American Association for Justice Class Action Litigation Group and the Consumer Rights Section of the Barristers Club.

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Practice Emphasis

Class Actions
Consumer Protection
Employment Law
Whistleblower

Education

University of California,
Hastings College of Law, J.D.,
2000

University of California at
Berkeley, B.A., 1995

Admissions

California

Litigation Highlights

Skold v. Intel Corp. – Key member of the legal team in this decade-long litigation that achieved a nationwide class action settlement on behalf of approximately 5 million consumers of Intel Pentium 4 processors. The lawsuit changed Intel's benchmarking practices and Intel agreed to a cash settlement for the class, along with \$4 million in charitable donations.

In re Adobe Systems Inc. Privacy Litigation – Key member of the litigation team that succeeded in reversing a long line of decisions adverse to consumers whose personal information was stolen in data breaches. Judge Koh issued a 41-page decision in plaintiffs' favor and the settlement resulted in a comprehensive reform of Adobe's data security practices. The court's landmark decision on Article III standing in this case marked a sea change and has been cited favorably in over twenty cases in the year since it was issued.

Velasco v. Chrysler Group LLP – represented consumers who alleged they were sold and leased vehicles with defective power control modules that caused vehicle stalling. In addition to negotiating a recall of all 2012-13 Jeep Grand Cherokee and Dodge Durango vehicles, the lawsuit also resulted in Chrysler reimbursing owners for all repair and rental car expenses, and extending its warranty.

Parkinson v. Hyundai Motor America – certified a nationwide class alleging Hyundai sold vehicles with defective flywheel systems, before ultimately reaching a favorable settlement for the class

Awards & Honors

Northern California Super Lawyer (2012-2017)

Professional Affiliations

Consumer Attorneys of California
American Association for Justice- Class Action Litigation Group
American Bar Association



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Practice Emphasis

Class Actions
Mass Personal Injury

Education

University of California, Davis
King Hall School of Law, J.D.,
1995.

Colorado State University,
B.A., 1989.

Admissions

California

Karen Barth Menzies | Partner

Karen is a nationally-recognized mass tort attorney with more than twenty years of experience in federal and state litigation. Courts throughout the country have appointed Karen to serve in leadership positions including Lead Counsel, Liaison Counsel and Plaintiff Steering Committee in some of the largest pharmaceutical and device mass tort cases. Karen currently serves in leadership positions in the Zolofit Birth Defect Litigation (federal and California state courts), Transvaginal Mesh Litigation (federal and California state courts), Fosamax Femur Fracture Litigation (California state court), Lexapro/Celexa Birth Defect Litigation (Missouri state court).

Karen is particularly focused on women's health issues and drugs that cause harm to children. She currently serves as co-lead counsel in the *In re Taxotere (Docetaxel) Products Liability Litigation*, a consolidated multi-district proceeding on behalf of women who suffered permanent, disfiguring hair loss following breast cancer chemotherapy treatments. Karen believes in advocating for drug safety and for the victims in the face of profit-driven corporations. She has testified twice before FDA advisory boards as well as the California State Legislature on the safety concerns regarding the SSRI antidepressants and the manufacturers' misconduct.

Karen frequently publishes and presents on issues involving drug safety, mass tort litigation, FDA reform and federal preemption for both legal organizations (plaintiff and defense) and medical groups.

Awards & Honors

AV Preeminent® Peer Review Rated by Martindale-Hubbell
Southern California Super Lawyer (2004-2017)
Lawyer of the Year by *Lawyer's Weekly USA* (2004)
California Lawyer of the Year by *California Lawyer* magazine (2005)
Consumer Attorney of the Year Finalist by CAOC (2006)

Professional Affiliations

American Association for Justice
Co-Chair, Taxotere Litigation Group
Consumer Attorneys of California
Consumer Attorneys of Los Angeles
American Bar Association (appointed member of the Plaintiffs' Task Force)
Women En Mass
The Sedona Conference (WG1, Electronic Document Retention and Production)
The National Trial Lawyers
National Women Trial Lawyers Association
LA County Bar Association
Women Lawyers Association of Los Angeles
Public Justice



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Practice Emphasis

Class Actions
Consumer Protection
Mass Personal Injury
Whistleblower

Education

University of California,
Berkeley Boalt Hall School of
Law, J.D., 2003

University of California at
Berkeley, B.A., 2000

Admissions

California

Geoffrey Munroe | Partner

Geoffrey Munroe represents plaintiffs in high-profile class action and mass tort cases in both federal and state courts throughout the United States. He was selected as a Rising Star by Northern California Super Lawyers (2010-2014), recognizing him as one of the best young attorneys practicing in Northern California, and as a Northern California Super Lawyer in 2015. He is the co-author of "*Consumer Class Actions in the Wake of Daugherty v. American Honda Motor Company*," CAOC's Forum Magazine, January/February 2009, and a frequent contributor to the Class Action Litigation Group Newsletter of the American Association for Justice.

Mr. Munroe is a 2003 graduate of the University of California at Berkeley School of Law (Boalt Hall), where he was the recipient of the American Jurisprudence Award in Torts, Business Law & Policy and Computer Law. He received his undergraduate degree in chemistry from the University of California at Berkeley in 2000. Mr. Munroe is a member of the Public Justice Class Action Preservation Project Committee, the Class Action Litigation Group of the American Association for Justice and the Consumer Attorneys of California. He is a member of the California Bar and is admitted to practice before the United States Court of Appeals for the Ninth Circuit, as well as the United States District Courts for the Northern, Central and Southern Districts of California.

Litigation Highlights

Skold v. Intel Corp. – Key member of the briefing team in this decade-long litigation that achieved a nationwide class action settlement on behalf of approximately 5 million consumers of Intel Pentium 4 processors. The lawsuit changed Intel's benchmarking practices and Intel agreed to a cash settlement for the class, along with \$4 million in charitable donations.

In re Chase Bank U.S.A., N.A. "Check Loan" Contract Litigation – Key member of the litigation team in this multidistrict case alleging that Chase Bank wronged consumers by offering long-term fixed-rate loans, only to later more-than-double the required loan payments. The litigation resulted in a \$100 million settlement with Chase eight weeks prior to trial.

In re Mercedes-Benz Tele Aid Contract Litigation – Key member of the litigation team in this multi-district litigation alleging that Mercedes-Benz failed to disclose to its customers that the "Tele Aid" equipment installed in their vehicles would soon be obsolete and require an expensive replacement to keep working. Resulted in a class settlement providing for cash reimbursements of \$650, or new vehicle credits for up to \$1,300.

Parkinson v. Hyundai Motor America – key member of the briefing team that achieved certification of a nationwide class alleging Hyundai sold vehicles with defective flywheel systems, before ultimately reaching a favorable settlement for the class.

Awards & Honors

Northern California Super Lawyers (2015-2017)
Northern California Super Lawyers, *Rising Star* (2010 - 2014)

Professional Affiliations

Consumer Attorneys of California
American Association for Justice- Class Action Litigation Group
Public Justice- Class Action Preservation Project



Andre M. Mura | Partner

Andre M. Mura represents plaintiffs in class action and complex litigation concerning consumers' and workers' rights, products liability, drug and medical devices, federal jurisdiction, and constitutional law.

Prior to joining Gibbs Law Group LLP, Mr. Mura was senior litigation counsel at the Center for Constitutional Litigation PC, where he represented plaintiffs in high-stakes appeals and complex litigation in state supreme courts and federal appellate courts. Mr. Mura also authored briefs filed in the U.S. Supreme Court, at both the petition and merits stages, and argued dispositive motions in trial courts nationwide. SCOTUSblog, the blog of the Supreme Court of the United States, selected Mr. Mura's petition for certiorari in *Malaterre v. Amerind Risk Management Corp.*, No. 11-441 as "Petition of the Day."

Andre is frequently called upon to discuss emerging issues in class actions, and regularly contributes his insights and commentary to the Consumer Law Watch, a blog analyzing developments in the law of consumer class actions. He is a member of the American Bar Association (ABA) Tort Trial and Insurance Practice Section (TIPS) Plaintiffs Policy Task Force. He serves as chair-elect of the ABA-TIPS Appellate Advocacy Committee. Andre is a member of the Lawyers Committee of the National Center for State Courts and a former chair of its Young Lawyers Committee. He is also a member of the American Association for Justice and the Consumer Attorneys of California.

Andre is of counsel to Girard Gibbs and a partner at Gibbs Law Group.

Litigation Highlights

Reynolds v. Wal-Mart – Andre successfully opposed Wal-Mart's motion to dismiss in this putative class action in federal court concerning deceptive food labeling.

Corber v. Xanodyne Pharmaceuticals - Andre represented plaintiffs injured by propoxyphene, an ingredient found in Darvocet and Darvon pain relief drugs and generic pain relievers, before the U.S. Court of Appeals for the Ninth Circuit, sitting en banc.

Watts v. Lester E. Cox Medical Centers, 376 S.W.3d 633 (Mo. 2012), Andre successfully argued that a state law limiting compensatory damages in medical malpractice cases violated his client's constitutional right to trial by jury. In ruling in favor of Mr. Mura's client, the Missouri high court agreed to overturn a 20-year-old precedent.

Texaco, Inc. & Chevron Corp. v. Simon, Mr. Mura argued before the Mississippi Supreme Court in a case concerning Texaco's and Chevron's liability for pregnant women's exposure to leaded gas. The case settled favorably after oral argument but before decision.

U.S. Supreme Court Advocacy

J. McIntyre Machinery, Ltd. v. Nicastro, 131 S. Ct. 2780 (2011), Andre drafted merits briefing addressing whether personal jurisdiction exists over a foreign manufacturer.

Mutual Pharmaceutical Co., Inc. v. Bartlett, 133 S. Ct. 2466 (2013), Andre was the lead author of an amicus curiae brief for the American Association for Justice and Public Justice in case examining whether federal drug safety law preempts state-law liability for defectively designed generic drugs.

Qwest Services Corp. v. Blood, 132 S. Ct. 1087 (2012), Andre was counsel of record for plaintiffs in opposing Supreme Court review of an \$18 million punitive damages award. SCOTUSblog, the blog of the Supreme Court of the United States, selected Mr. Mura's petition for certiorari in *Malaterre v. Amerind Risk Management Corp.*, No. 11-441 as "Petition of the Day."

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Practice Emphasis

Class Actions
Consumer Protection
Constitutional Law
Employment Law
Mass Personal Injury

Education

The George Washington
University Law School, J.D.,
2004

Williams College, B.A., 2000

Admissions

California
District of Columbia

Awards & Honors

Top Cybersecurity & Privacy Attorneys Under 40, *Law360* Rising Stars (2017)

Northern California Super Lawyers *Rising Star* (2016-2017)

Professional Affiliations

American Association for Justice- Class Action Litigation Group, Legal Affairs Group

American Bar Association- Chair, Appellate Advocacy Committee of Tort Trial and Insurance Practice Section; Plaintiff's Policy Task Force

Consumer Attorneys of California

National Center for State Courts, Lawyers Committee

Pound Civil Justice Institute

Public Justice Foundation- Class Action Preservation Projects Committee

Publications & Presentations

Presenter, "Class Settlements and Certification in the Wake of *In Re Hyundai Fuel Economy Litigation*," Class Action Mastery Conference, HB Litigation, May 2018.

Presenter, "Effective Legal Writing Workshop," American Association for Justice Education Seminar, April 2018.

Presenter, "Strategic Responses to Recent Supreme Court Decisions [*Bristol-Myers/Spokeo*]," Consumer Class Action Symposium, National Consumer Law Center, November 2017.

Co-author, "Supreme Court Applied 'Settled Principles' In BMS Ruling," *Law360* Expert Analysis, September 11, 2017

Presenter, "Latest Developments Including Recent and Most Significant Class Action Lawsuits and Proposed Federal Legislative Changes," Bridgeport 2017 Class Action Litigation Conference, September 8, 2017

Co-author, "In the Breach," *Trial Magazine*, American Association for Justice, September 2017

Co-author, "Supreme Court Puts Personal Jurisdiction On Trial," *Law360* Expert Analysis, May 22, 2017

Co-Author, "Beware Intended Consequences of Class Action Reform, Too," *Law360* Expert Analysis, March 14, 2017.

Presenter, "Developing the Case through Pleadings and Discovery: Addressing Personal Jurisdiction," AAJ Winter Convention, February 2017.

Presenter, "The Supreme Court Argument," California Mass Tort and Class Action Litigation Conference: The Impact of Daimler and BMS-Plavix, HarrisMartin Publishing, October 2016.

Moderator and Presenter, "An Examination of Personal Jurisdiction," American Association for Justice Educational Conference, September 2016.

Presenter, "Personal Jurisdiction In Mass Torts and Class Actions: Exploring the Impact of BMS v. Superior Court," American Association for Justice Rapid Response Webinar, September 2016.

Co-Author, "Recent Developments in Appellate Advocacy," *Tort Trial & Insurance Practice Law Journal*, Fall 2013, Winter 2015, Winter 2016.

Author, *Buckman Stops Here! Limits on Preemption of State Tort Claims Involving Allegations of Fraud on the PTO or the FDA*, 41 Rutgers L.J. 309, 2010.



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Practice Emphasis

Antitrust
Class Actions
Consumer Protection
Mass Personal Injury
Securities and Financial Fraud
Whistleblower

Education

University of California,
Berkeley Boalt Hall School of
Law, J.D., 1996

Columbia College at Columbia
University, B.A., 1989

Admissions

California

Michael Schrag | Partner

Michael Schrag has over 20 years of experience representing individual and small business plaintiffs in a broad range of complex class actions against large corporations in the banking, credit card, telecommunications, and real estate sectors. He has also successfully litigated antitrust, securities, product liability, personal injury, medical malpractice, employment, and contingent breach of contract cases. He currently serves on the Plaintiffs Steering Committee in the *In re: Wells Fargo Auto Insurance Marketing and Sales Practices Litigation* and on the Expert Committee in the *In re: Disposable Contact Lens Antitrust Litigation*.

Michael served as Co-Lead counsel in *Beaver v. Tarsadia Hotels*, an unfair competition class action against real estate developers, which recently settled for \$51.15 million. He currently represents over 300 purchasers of fractional interests in luxury condominiums in breach of fiduciary duty and contract cases against Marriott and Starwood.

He also recently settled (for confidential sums) three related actions in California and Florida on behalf of small business owners alleging RICO and fraud claims against American General Insurance Company, a subsidiary of AIG. Michael previously represented a class of small business owners in a breach of contract case against an AT&T subsidiary that resulted in a \$27 million judgment.

Michael is a 1996 graduate of the University of California at Berkeley School of Law (Boalt Hall) and received his undergraduate degree in 1989 from Columbia College at Columbia University. He began his career prosecuting securities class actions and serving as a law clerk to the Honorable Judith N. Keep, U.S. District Judge, Southern District of California. Early in his career, Michael helped initiate and prosecute class actions against Visa, MasterCard, and major U.S. banks for failing to disclose and fixing the price of currency conversion fees. These cases settled for \$336 million.

Litigation Highlights

Beaver v. Tarsadia Hotels- Michael served as co-lead counsel on behalf of consumers in this unfair competition class action against real estate developers selling hotel-condominium units. Lawsuit alleged that sellers concealed certain Congressionally-mandated protections in the sales contracts, including a statutory rescission right. After six years of litigation including a win in the Ninth Circuit that established favorable law for consumers, the lawsuit settled for \$51.15 million. In granting final approval, Judge Curiel concluded that the settlement was "an excellent result," and noted "Class Counsel overcame several hurdles that reflect their skill and experience." *Beaver v. Tarsadia Hotels*, 816 F. 3d 1170 (9th Cir. 2016)

Asokan et. al. v. American General Ins. Co.- Member of the trial team in this insurance and investment fraud case against American General Insurance Co, an AIG subsidiary. Michael and his team represented six plaintiffs who were marketed an investment involving a specialized whole life policy that would supposedly provide tax benefits. American General knew but concealed from plaintiffs that the plans no longer complied with the law. Plaintiffs suffered losses as a result of this fraud by concealment. Among other tasks, Michael had primary responsibility for working with plaintiffs' damages expert and conducted the direct and re-direct examination of this expert at trial. The case settled for a confidential sum 8 days into the jury trial.

Smith et. al. v. American General Ins. Co. - Michael was a key member of the litigation team that represented nine high net worth plaintiffs in this RICO action alleging that American General and the other members of the enterprise falsely marketed and sold our clients a whole life policy that would *supposedly* provide a multitude of tax benefits, but concealed the fact that the IRS had changed its regulations, rendering these plans no longer compliant with the law. Among other tasks, Michael had primary responsibility for working with plaintiffs' damages expert and deposing the defendants' damages expert. The case settled for a confidential sum.

Ammari v. Pacific Bell Directory – Represented consumers who overpaid an AT&T subsidiary for advertising in Yellow Pages directories. Plaintiffs prevailed at trial and on two appeals to obtain a \$27 million judgment for class members, a result the *National Law Journal* deemed as one of the top 100 verdicts in 2009.

In re Currency Conversion Fee Antitrust Litigation– After prevailing at trial in a related state court action, plaintiffs negotiated a \$336 million global settlement for the class in this multidistrict antitrust litigation against the country's largest credit card issuers and networks.

In Re Sulzer Hip Prosthesis and Knee Prosthesis Liability Litigation – recovered over \$10 million on behalf of his clients in this multidistrict litigation that awarded a total of \$1 billion to patients who received defective hip implants.



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Practice Emphasis

Class Actions
Consumer Protection
Financial Fraud
Whistleblower

Education

Emory University School
of Law, J.D., 2007

University of California at
Santa Barbara, B.A.,
2003

Admissions

California

David Stein | Partner

David Stein represents plaintiffs in complex consumer protection and financial fraud cases against Fortune 100 companies. He currently serves as co-lead counsel in the *In re Honda CR-V Vibration* multidistrict proceedings and is among the attorneys representing patients, providers, and consumers in a lawsuit against Banner Health arising from a data breach that exposed sensitive information of nearly 4 million people.

David's advocacy in consumer protection and class action litigation has earned him several awards and accolades, including recognition in the 2017 "Top 40 Under 40" list published by the Daily Journal. David was also selected as a 2017 "Top Class Action Attorney Under 40" in Law360's Rising Stars, one of only four attorneys nationwide to be selected for the honor. He has also been named a *Rising Star* by Northern California Super Lawyers for four consecutive years.

He is frequently called upon to discuss emerging issues in class actions, and regularly contributes his insights and commentary to *Consumer Law Watch*, a blog analyzing developments in the law of consumer class actions. He serves on the Law360 Product Liability Editorial Advisory Board.

David previously served as judicial law clerk to U.S. District Court Judge Keith Starrett and to U.S. Magistrate Judge Karen L. Hayes.

Litigation Highlights

Paeste v. Government of Guam – helped secure a judgment against the Government of Guam and several of its highest-ranking officials in a suit involving the government's unlawful administration of income tax refunds. Mr. Stein defended the judgment in an oral argument before the U.S. Court of Appeals for the Ninth Circuit, leading to a complete victory for the taxpayers in the published decision, *Paeste v. Government of Guam*, 798 F.3d 1228 (9th Cir. 2015)

Edwards v. Ford Motor Co. – in a class action alleging that Ford sold vehicles despite a known safety defect, Mr. Stein twice argued plaintiff's position before the U.S. Court of Appeals for the Ninth Circuit. In the first appeal, Mr. Stein succeeded in obtaining a reversal of the trial court's denial of class certification. In the second, plaintiff again prevailed, with the Ninth Circuit affirming a ruling that Mr. Stein's and his colleagues' efforts generated free repairs, reimbursements, and extended warranties for the class.

In re: Peregrine PFG Best Customer Accounts Litigation - represented investors in a lawsuit against U.S. Bank and JPMorgan Chase arising from the collapse of Peregrine Financial Group, Inc. The former Peregrine customers were seeking to recover the millions of dollars that was stolen from them out of segregated funds accounts. Plaintiffs' efforts led to settlements with JPMorgan Chase and U.S. Bank worth over \$75 million.

In re: Hyundai Sonata Engine Litigation – Mr. Stein served as court-appointed co-lead counsel in this nationwide suit involving engine seizures at high speeds. The litigation led to a settlement that included nationwide vehicle recalls, extended warranties, and payments that averaged over three thousand dollars per class member.

Browne v. American Honda Motor Co., Inc. – represented consumers who alleged that 750,000 Honda Accord and Acura TSX vehicles were sold with brake pads that wore out prematurely. A settlement ensued worth approximately \$25 million, with hundreds of thousands of class members participating.

Awards & Honors

"2017 Top 40 Under 40," *Daily Journal*

Top Class Action Attorneys Under 40, *Law360* Rising Stars (2017)

Northern California Super Lawyers *Rising Star* (2013-2017)

Professional Affiliations

American Association for Justice

Association of Business Trial Lawyers

Federal Bar Association

Public Justice Foundation

Publications & Presentations

Presenter, "Determining Damages in Class Actions," *Class Action Mastery Conference*, HB Litigation, May 2018.

Presenter, "Mass Torts and Class Actions: The Latest and Greatest, Update on Class Action Standing" *56th Annual Consumer Attorneys of California Convention*, November 2017.

Author, Third Circuit Crystallizes Post-Spokeo Standard, *Impact Fund Practitioner Blog*, July 2017.

Presenter, "Playing Defense: Reading the Long Game," *American Association for Justice*, May 2017.

Presenter, "Motion to Dismiss – What's Trending?" *HB Litigation Conferences, Mass Tort Med School + Class Actions*, March 2017

Presenter, "Class Certification," *HB Litigation Conferences, Mass Tort Med School + Class Actions*, March 2017.

Presenter, "Class Remedies," *HB Litigation Conferences, Mass Tort Med School + Class Actions*, March 2017.

Co-Author, "Beware Intended Consequences of Class Action Reform, Too," *Law360 Expert Analysis*, March 14, 2017.

Co-Author, "California Omissions Claims: Safety Required?" *Law360 Expert Analysis*, February 15, 2017.

Presenter, "Hot Topics and Trends in Prosecuting and Defending Consumer Class Actions," *Bridgeport Continuing Education 2017 Consumer Class Action Litigation Conference*.

Presenter, "Perspectives on Automotive Class Action Litigation," *Stafford Publishers*.

Presenter, "Motion to Dismiss – What's Trending?" *HB Litigation Conferences, Consumer Class Actions*.

Presenter, "Beyond the Mass Tort: Class Action Cases Arising from Big Pharmaceutical Wrongdoing," *Consumer Attorneys of California*,

Presenter, "Rule 23(c)(4) Issue Certification Post-Comcast," *American Association for Justice*.

Author, *Wrong Problem, Wrong Solution: How Congress Failed the American Consumer*, 23 *Emory Bankr. Dev. J.* 619 (2007).



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Practice Emphasis

Class Actions
Employment Litigation

Education

University of California,
Berkeley Boalt Hall School of
Law, J.D., *magna cum laude*,
1996.

Yale University, B.A., *summa
cum laude*, *Phi Beta Kappa*.

Steven Tindall | Partner

Steven Tindall has specialized in employment and class action litigation for the past eighteen years. He has been plaintiffs' lead or co-lead counsel on several cases that resulted in settlements worth over \$1 million. Prior to joining Gibbs Law Group, Steven was a partner at Rukin Hyland Doria & Tindall, and at Lieff Cabraser Heimann & Bernstein. While at Lieff Cabraser, Steven focused on plaintiffs' class action litigation in the fields of wage and hour law, antitrust, and consumer protection. Steven has also litigated a number of mass tort personal injury and toxic tort cases.

Steven received his B.A. degree in English Literature from Yale University, graduating *summa cum laude*, Phi Beta Kappa, and with distinction in his major. He earned his J.D. degree from the University of California at Berkeley School of Law (Boalt Hall) in 1996. While at Boalt, Steven co-directed the East Bay Workers' Rights Clinic. After graduating from Boalt, Steven clerked for Hon. Judith N. Keep of the United States District Court for the Southern District of California and for Hon. Claudia Wilken of the U.S. District Court for the Northern District of California.

Awards & Honors

Northern California Super Lawyers (2009-2017)

Professional Affiliations

East Bay Community Law Center, Board Member

Publications & Presentations

Presenter, "Preparing for and Litigating PAGA Claims 2017," Bridgeport Continuing Education, March 3, 2017.

Contributing Author, California Class Actions Practice and Procedure, Matthew Bender & Co., Inc., 2006

Author, *Do as She Does, Not as She Says: The Shortcomings of Justice O'Connor's Direct Evidence Requirement in Price Waterhouse v. Hopkins*, Berkeley Journal of Employment and Labor Law, 17, No. 2, 1996

Admitted

California



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Practice Emphasis

Class Actions
Consumer Protection
Mass Personal Injury
Whistleblower/ Qui Tam

Education

University of California,
Hastings College of Law, J.D.,
magna cum laude, 2010.

University of Missouri, B.A.,
summa cum laude, 1998.

Admissions

California
Florida

Amy Zeman | Partner

Amy Zeman represents clients in a wide variety of medical mass injury matters, including individuals harmed by transvaginal mesh, the birth-control medications Yaz and Yasmin, the diabetes drug Actos, and the anti-psychotic medication Risperdal, among others. Ms. Zeman also represents consumers in class action litigation, with experience working closely with class representatives and consumer contacts and participating in all stages of litigation. Ms. Zeman has been named a *Rising Star* by Northern California Super Lawyers every year since 2013.

Prior to attending law school, Ms. Zeman pursued a career in the financial sector. Ms. Zeman served the members of the Marin County Federal Credit Union for almost seven years, acting as the Accounting and Compliance Manager. Ms. Zeman was a spring 2010 extern for the Honorable Marilyn Hall Patel of the United States District Court, Northern District of California.

Litigation Highlights

Yaz & Yasmin Birth Control Litigation – represents women throughout the country who suffered serious side effects after taking Yaz, Yasmin and Ocella birth control.

Pelvic System Products Liability Litigation (transvaginal mesh) - represents women across the country who suffered serious complications after receiving transvaginal mesh implants.

Actos (Pioglitazone) Products Liability Litigation –represents individuals who were diagnosed with bladder cancer after taking the oral anti-diabetic drug Actos.

Sanborn, et al. v. Nissan North America, Inc. – appointed as class counsel with Eric Gibbs and others. The litigation team obtained a settlement just ten days before trial was to begin on claims that the dashboards in certain Nissan vehicles were melting into a shiny, sticky surface that produced a dangerous glare. The settlement allowed class members to obtain a \$1500-\$2000 dashboard replacement for just \$250, or to receive equivalent reimbursement for prior replacements.

Chase Bank U.S.A., N.A. "Check Loan" Contract Litigation – key member of the litigation team in this multidistrict case alleging that Chase Bank wronged consumers by offering long-term fixed-rate loans, only to later more-than-double the required loan payments. The litigation resulted in a \$100 million settlement with Chase eight weeks prior to trial.

Sugarman v. Ducati North America, Inc., - represented Ducati motorcycle owners whose fuel tanks on their motorcycles degraded and deformed due to incompatibility with the motorcycles' fuel. In January 2012, the Court approved a settlement that provided an extended warranty and repairs, writing, "The Court recognizes that class counsel assumed substantial risks and burdens in this litigation. Representation was professional and competent; in the Court's opinion, counsel obtained an excellent result for the class."

Awards & Honors

Rising Star, Northern California Super Lawyers (2013-2017)

Professional Affiliations

American Bar Association, Tort Trial and Insurance Practice Section

American Association for Justice

- Secretary, Class Action Litigation Group,
- Co-Chair, Qui Tam Litigation Group
- Member, Women Trial Lawyers Caucus

Consumer Attorneys of California

Publications & Presentations

Presenter, "Claims-processing in Large and Mass-Tort MDLs," Emerging Issues in Mass-Tort MDLs Conference, Duke University, October 2016.

Presenter, "Cross Pollination: Diversifying Your Case Garden," HB Litigation Conferences, Consumer Class Actions, May 2016.

Presenter, "Best Practices in Law Firm Management," American Association for Justice 2016 Winter Convention, Women's Trial Lawyers Caucus Leadership Summit, February 2016.

Presenter, "Effects of MIR 162 on U.S. Corn Farmers," Mass Tort Med School, HB Litigation Conferences, May 2015.

Presenter, "Lumber Liquidators Litigation," American Association for Justice 2015 Annual Convention, July 2015.

Presenter, "Recent Developments in Class Certification in the United States and Canada," American Association for Justice 2015 Annual Convention, July 2015.

Co-author, "Tips on Client Contact and Case Management in Mass Torts Part I: Client Intake and Gathering Relevant Information," American Association for Justice, Women Trial Lawyers Caucus Connections Count Newsletter, 2013.

Co-author, "Tips on Client Contact and Case Management in Mass Torts Part II: Organizing and Working with Client Information," American Association for Justice, Women Trial Lawyers Caucus Connections Count Newsletter, 2013.



John Kehoe | Of Counsel

John Kehoe prosecutes securities and financial fraud cases in federal and state courts on behalf of institutional and individual clients. He has served as lead counsel in a number of precedent-setting cases including *In re Bank of America Corporation Securities Litigation* (\$2.4 billion settlement); *In re Wachovia Preferred Securities and Bond/Notes Litigation* (\$627 million settlement); *In re Initial Public Offering Securities Litigation* (\$586 million settlement resolving 309 consolidated actions); *In re Lehman Brothers Securities and ERISA Litigation* (\$516 million settlement); and *In re Marvell Technology Group Ltd. Securities Litigation* (\$72 million settlement). He also had a significant prosecutorial role in *In re Brocade Securities Litigation* (\$160 million settlement).

John has represented clients before the Second and Eleventh Circuit Courts of Appeals, and he is active in merger and acquisition litigation before The Delaware Court of Chancery, including serving on the Executive Committee in *In re Safeway Stockholders Litigation*, through which value of the transaction to stockholders was increased by more than \$80 million.

Prior to attending law school, John worked as a law enforcement officer in the State of Vermont (1986-94), serving as a member of the tactical Special Reaction Team and the Major Accident Investigation Team. He is a program faculty member with the National Institute of Trial Advocacy, and served as an adjunct faculty member with the Trial Advocacy Training Program at the Louisiana State University School of Law.

John is a frequent speaker at conferences focused on shareholder rights and corporate governance issues. He received his Juris Doctorate, magna cum laude, from Syracuse University College of Law. He also received a Masters of Public Administration from the University of Vermont, and Bachelor of Arts from DePaul University, where he was starting goalkeeper on the Division I soccer team, and an exchange student to the University of Economics in Budapest, Hungary.

John is Of Counsel to Gibbs Law Group and a shareholder at Kehoe Law Firm.

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Practice Emphasis

Class Actions
 Securities Litigation

Education

Syracuse University College of Law, J.D., *magna cum laude*

University of Vermont, M.P.A.

DePaul University, B.A.

Admissions

New York
 Pennsylvania



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Practice Emphasis

Class Actions

Mass Personal Injury

Education

J.D., B.S.L., Thomas Jefferson
School of Law, 1992.

Admissions

New York

California

Arizona

Robert Mosier | Of Counsel

Mr. Mosier's practice is almost exclusively focused on representing plaintiffs harmed by large pharmaceutical and medical device companies. He represents clients injured by Granuflo, Tylenol, Risperdal, Medtronic Infuse, Reglan, Crestor, Pain Pumps, Transvaginal Mesh, DePuy ASR and Pinnacle Hips, Januvia, Byetta and Yaz. Mr. Mosier serves as court-appointed co-lead counsel and liaison counsel and on leadership committees in consolidated litigation throughout the United States.

Mr. Mosier currently serves as Plaintiffs' Co-Lead Counsel in the Risperdal and Invega Product Liability Cases JCCP 4775 litigation, and as Plaintiff's Liaison Counsel in the In re Infusion Pain Pump JCCP 4615 litigation. Mr. Mosier is appointed to the Plaintiff's Steering Committee in the In re Incretin Mimetics Product Liability Litigation MDL 2452, and the In re Zolof Birth Defect Cases JCCP4771. Mr. Mosier is appointed to the Science Committee in the In re Fresenius Granuflo/Naturalyte Dialysate Products MDL 2428.

Prior to joining Sanders Viener Grossman as trial counsel and managing attorney, Mr. Mosier was a partner at McGregor & Mosier, where he obtained numerous multi-million dollar settlements for injured plaintiffs in medical malpractice, brain injury, birth injury, and other significant injury matters through trial. Mr. Mosier also represented victims involved in unique injury and death cases, including hot air balloon crashes, trucking deaths and molestation cases.

Before working to represent the rights of injured plaintiffs, Mr. Mosier represented hospitals, physicians, and medical providers accused of malpractice at one of California's preeminent medical malpractice defense firms. During his tenure as a defense attorney, Mr. Mosier gained invaluable insight and education into the practice of medicine, health care and medical insurance issues.

Mr. Mosier has held an AV Preeminent Attorney rating from Martindale Hubble since 2002, is a National Trial Lawyers – Top 100 Attorney, and an Arizona Top Rated Attorney – Top Trial Lawyers in America.

Mr. Mosier frequently speaks at national legal conventions on various issues involving mass tort litigation. He has prosecuted diverse appellate court issues, obtaining published opinions in the areas of constitutional law, separation of court jurisdiction and dischargeability of intentional tort claims. While working as a medical malpractice defense attorney, Mr. Mosier served as liaison counsel for the Orange County Medical Association/ Orange County Bar Association committee and was frequently invited to speak to hospitals and their staffs on medical/legal issues affecting doctor-patient care.

Robert A. Mosier is of counsel to Gibbs Law Group LLP and managing attorney of Sanders Viener Grossman LLP's Los Angeles office.

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Practice Emphasis

Class Actions
Securities Litigation

Education

Delaware Law School, J.D.
George Washington University,
B.A

Admissions

Delaware
New Jersey
Pennsylvania

Michael Yarnoff | Of Counsel

Michael Yarnoff has more than 25 years of experience, including 15 years prosecuting complex securities fraud class actions in federal courts involving claims under both the Securities Act of 1933 and the Exchange Act of 1934. Throughout his career, Michael has represented large institutional clients and individual shareholders and has acted as lead or co-lead counsel in a number of high-profile securities cases, which, collectively, have settled for billions of dollars.

Michael was previously an attorney at a large plaintiff's class-action law firm, where he served as a senior-level partner in the securities department for over nine years. During that time, he also litigated a number of cases against large mortgage lenders for violations of the Real Estate Settlement Procedures Act of 1974, patent infringement matters, and appellate matters before multiple Circuit Courts of Appeal.

Michael received his Juris doctorate from Delaware Law School in 1991 and his undergraduate degree from George Washington University in 1988. While at George Washington University, he served as a political intern for the late Senator John Heinz (Pennsylvania).

Michael Yarnoff is Of Counsel to Gibbs Law Group and a shareholder at Kehoe Law Firm.

Litigation Highlights

Tyco International Ltd. – A landmark \$3.2 billion settlement including the then largest securities class-action recovery from a single corporate defendant (\$2.975 billion) and the second largest auditor settlement (\$225 million).

Delphi Corporation – A \$300 million class-action settlement against auto-parts manufacturer Delphi Corporation (reduced as a result of bankruptcy), including an additional \$38 million recovery against Delphi's outside auditor.

CVS Corporation – A \$110 million recovery on behalf of a group of injured shareholders, representing one of the largest settlements in a securities class-action in First Circuit history.

MDL Mutual Fund Litigation – A six-year litigation that resulted in more than \$80 million in recoveries against a number of mutual fund companies, including Alliance, Alger, and Excelsior.

Associates

Joshua Bloomfield prosecutes complex class action lawsuits with particular experience in data breach/ privacy cases and antitrust disputes. He has focused his legal career in civil and administrative litigation and real estate law for more than 15 years. Mr. Bloomfield is a 2000 graduate of UCLA School of Law. He received his undergraduate degree in a three-year accelerated course of study from University of Pennsylvania in 1996.

Aaron Blumenthal represents consumers and whistleblowers in class action lawsuits involving allegations of corporate misconduct. He has prosecuted a variety of consumer protection cases ranging from false advertising to defective products. He is also involved in the investigation and development of new cases.

Aaron attended the University of California, Berkeley School of Law (Boalt Hall), where he graduated *Order of the Coif* (a distinction awarded only to the top 10 percent of the graduating class). In law school, Aaron worked on consumer issues— writing and publishing a law review article on the practical strategies for combatting class action waivers in a post-*Concepcion* world.

Caroline Corbitt is a 2015 graduate of the University of Southern California Gould School of Law, where she served as Executive Editor of the Southern California Interdisciplinary Law Journal. Ms. Corbitt was a summer 2013 extern for the Honorable Laurel Beeler, Magistrate Judge of the United States District Court, Northern District of California. Ms. Corbitt has also externed at the Federal Trade Commission and the California Department of Justice, Antitrust Division.

Ms. Corbitt was honored as a 2017 “Rising Star” by Northern California Super Lawyers. Before law school, she worked in book publishing in San Francisco, California. She received her undergraduate degree in history and literature from Harvard University in 2009.

Amanda Karl represents consumers, employees and others who have been harmed by corporations. She is a 2014 graduate (Order of the Coif) of the University of California at Berkeley School of Law (Boalt Hall), where she served as the Managing Editor of the California Law Review, Director of the Workers’ Rights Disability Law Clinic and Research Assistant to Professor Robert Berring, Jr. She also worked throughout law school as a Clinical Law Student at the East Bay Community Law Center, assisting with litigation targeting criminal record reporting violations, and as a law clerk at Equal Rights Advocates, where she worked on women’s employment issues involving wage and hour law, pregnancy discrimination, ADA and Title VII. Ms. Karl received her undergraduate degree, magna cum laude, in Sociology and Human Rights from Columbia University in 2009.

Following graduation from law school, Ms. Karl served as a law clerk to the Honorable Richard A. Paez, United States Court of Appeals for the Ninth Circuit (2014-2015), and as a law clerk to the Honorable Claudia Wilken, Northern District of California (2015-2016).

Linda Lam focuses her practice on representing consumers, small businesses, and employees in complex contingency litigation. Before joining the firm, Ms. Lam was an associate attorney at a national employee benefits and employment law firm, where she represented workers and retirees.

Ms. Lam was honored as a 2017 “Rising Star” by Northern California Super Lawyers. She graduated *magna cum laude* from the University of California, Hastings College of the Law in 2014, where she was inducted into the Order of the Coif. In law school, Ms. Lam served as the Production Editor for the Hastings Race and Poverty Law Journal. She worked as a research assistant to Professor Reuel Schiller. Additionally, Ms. Lam worked on a team in the Refugee and Human Rights Clinic to win asylum status for a domestic violence victim from Mexico. In 2012, she externed for the Honorable Joseph Spero in the Northern District of California.

Steve Lopez is a 2014 graduate of the University of California, Berkeley School of Law (Boalt Hall), where he was a Publishing Editor for the California Law Review and an Editor for the Berkeley Journal of Employment and Labor Law. Mr. Lopez was also a member of the La Raza Law Students Association and the Legal Aid Society–Employment Law Center’s Berkeley Workers’ Rights Clinic, where he successfully argued a client’s unemployment insurance appeal in an administrative hearing. He was the recipient of the American Jurisprudence Award in Insurance Law, and the Prosser Prize in Remedies and Employee Benefits Law.

Mr. Lopez was selected as a 2017 “Rising Star” by Northern California Super Lawyers. Before law school, he performed research for a consulting firm specializing in improving justice programs. Mr. Lopez received his undergraduate degree in economics and international relations from the University of Virginia in 2008.

SIGNIFICANT RECOVERIES

Some examples of the cases in which our lawyers played a leadership role are described below:

Securities and Financial Fraud

In re Tyco International Ltd. Securities Litigation, MDL No. 02-1335-PB (D.N.H). Landmark \$3.2 billion settlement including the then largest securities class action recovery from a single corporate defendant (\$2.975 billion), and the second largest auditor settlement (\$225 million).

In re Bank of America Corporation Securities Litigation, 09-MDL-2058 (S.D.N.Y.). Securities class action on behalf of certain shareholders of Bank of America Corporation (“BoA”) arising from materially misleading statements and omissions regarding BoA’s acquisition of Merrill Lynch & Co., Inc. The parties reached an agreement to settle the action for a total of \$2.425 billion in cash and certain corporate governance improvements to be implemented or continued by BoA.

In re Lehman Brothers Equity/Debt Securities Litigation, 08-cv-5523 (S.D.N.Y.). Securities class action on behalf of certain shareholders and bondholders of Lehman Brothers Holdings Inc.’s (“Lehman”) in connection with untrue statements and omitted materials facts regarding, among other things, Lehman’s use of undisclosed repurchase and resale transactions, failures to adhere to risk limits, and misstatements concerning Lehman’s concentration of mortgage and real estate-related assets, preventing investors from meaningfully assessing Lehman’s exposure to these risky assets. The Court subsequently approved settlements totaling \$615,218,000 in connection with the litigation, to resolve claims against the individual officer and director defendants, underwriters of certain Lehman offerings, and against Ernst & Young LLP, Lehman’s former auditor.

In re Wachovia Corp. Preferred Securities and Bond/Notes Litigation, 09-cv-6351 (S.D.N.Y.). Securities class action on behalf of certain Wachovia debt holders alleged that Wachovia sold more than \$35 billion of bonds to investors in a series of public offerings while misrepresenting the true nature and quality of Wachovia's "Pick-A-Pay" Option ARM mortgage loan portfolio, and Wachovia's exposure to billions of dollars of losses in mortgage-related assets. On March 31, 2011, the court issued an Opinion and Order substantially denying Defendants' motions to dismiss. On August 5, 2011, Plaintiffs announced that they reached a settlement with all the defendants for a total recovery of \$627 million.

In re American Express Financial Advisors Securities Litigation, No. 04-cv-01773 (S.D.N.Y.). Ms. De Bartolomeo was among the attorneys serving as co-lead counsel in this class action, brought on behalf of individuals who bought financial plans and invested in mutual funds from American Express Financial Advisors. The case alleged that American Express steered its clients into underperforming "shelf space funds" to reap kickbacks and other financial benefits. The Court granted final approval to a cash settlement of \$100 million in addition to other relief.

Roth v. Aon Corp., No. 04-cv-06835 (N.D. Ill.). This securities fraud class action alleged that Aon Corporation and its key executives made misstatements and failed to disclose important information to investors about Aon's role in and reliance on contingent commission kickbacks and steering arrangements with insurers. Mr. Schrag helped prosecute this securities fraud class action against Aon Corporation which resulted in a \$30 million settlement for the plaintiff class.

In re Peregrine Financial Group Customer Litigation, No. 12-cv-5546 (N.D. Ill.). Mr. Stein was among the attorneys serving as co-lead counsel for futures and commodities investors who lost millions of dollars in the collapse of Peregrine Financial Group, Inc. Through several years of litigation, counsel helped deliver settlements worth more than \$75 million from U.S. Bank, N.A., and JPMorgan Chase Bank, N.A.

In re Chase Bank USA, N.A. "Check Loan" Contract Litigation, No. 09-2032 (N.D. Cal.). Gibbs Law Group attorneys and counsel from several firms led this nationwide class action lawsuit alleging deceptive marketing and loan practices by Chase Bank USA, N.A. After a nationwide class was certified, U.S. District Court Judge Maxine M. Chesney granted final approval of a \$100 million settlement on behalf of Chase cardholders.

In re Winstar Communications Securities Litigation, No. 01-cv-11522 (S.D.N.Y.). Gibbs Law Group attorneys represented Allianz of America, Inc., Fireman's Fund and other private institutional investors against Grant Thornton and other defendants arising out of plaintiffs' investments in Winstar Communications, Inc. The firm achieved a settlement on the eve of trial that provided a recovery rate more than 30 times higher than what class members received in a related class action. The recovery (after attorney fees) returned a remarkable 78.5% of the losses plaintiffs may have recovered at trial.

CalSTRS v. Qwest Communications, et al., No. 415546 (Cal. Super. Ct. S.F. Cty.). Ms. De Bartolomeo served as co-lead counsel representing the California State Teachers Retirement System in this opt-out securities fraud case against Qwest Communications, Inc. and certain of its officers and directors, as well as its outside auditor Arthur Andersen. The case resulted in a precedent-setting \$45 million settlement for California school teachers.

Mitchell v. American Fair Credit Association, No. 785811-2 (Cal. Super. Ct. Alameda Cty); ***Mitchell v. Bankfirst, N.A.***, No. 97-cv-01421 (N.D. Cal.). This class action lawsuit was brought on behalf of California members of the American Fair Credit Association (AFCA). Plaintiffs alleged that AFCA operated an illegal credit repair scheme. The Honorable James Richman certified the class and appointed the firm as class counsel. In February 2003, Judge Ronald Sabraw of the Alameda County Superior Court and Judge Maxine Chesney of the U.S. District Court for the Northern District of California granted final approval of settlements valued at over \$40 million.

Antitrust and Unfair Business Practices

In re Currency Conversion Fee Antitrust Litigation, MDL No. 1409 (S.D.N.Y.); ***Schwartz v. Visa, et. al.***, No. 822404-4 (Cal. Super. Ct., Alameda Cty). Mr. Schrag helped initiate and prosecute several class actions against Visa, MasterCard, and other major U.S. banks, such as Chase and Bank of America, for failing to disclose their price fixing of currency conversion fees charged to cardholders. After prevailing at trial in *Schwartz v. Visa, et. al.*, plaintiffs were successful in obtaining a \$336 million global settlement for the class.

In re TFT-LCD (Flat Panel) Antitrust Litigation, MDL 1827 (N.D. Cal.). Gibbs Law Group attorneys were among the team serving as liaison counsel in this multi-district antitrust litigation against numerous TFT-LCD (Flat Panel) manufacturers alleging a conspiracy to fix prices, which has achieved settlements of more than \$400 million to date.

In re Natural Gas Antitrust Cases I, II, III and IV, JCCP No. 4221 (Cal. Super. Ct. San Diego Cty). Gibbs Law Group attorneys served in a leadership capacity in this coordinated antitrust litigation against numerous natural gas companies for manipulating the California natural gas market, which has achieved settlements of nearly \$160 million.

Beaver v. Tarsadia Hotels, No. 11-cv-1842 (S.D. Cal.); Gibbs Law Group attorneys served as co-lead counsel representing buyers of San Diego Hard Rock Hotel condominium units in this class action lawsuit against real estate developers concerning unfair competition claims. The lawsuit recently settled for \$51.15 million.

Ammari Electronics, et al. v. Pacific Bell Directory, No. RG05198014 (Cal. Super. Ct. Alameda Cty.). Mr. Schrag obtained a \$27 million judgment against an AT&T subsidiary after a jury trial and two successful appeals in this breach of contract class action on behalf of thousands of California businesses that advertised in Pacific Bell yellow pages directories. The National Law Journal featured this win in its “Top 100 Verdicts of 2009.”

In re LookSmart Litigation, No. 02-407778 (Cal. Super. Ct. San Francisco Cty). This nationwide class action suit was brought against LookSmart, Ltd. on behalf of LookSmart’s customers who paid an advertised “one time payment” to have their web sites listed in LookSmart’s directory, only to be later charged additional payments to continue service. Plaintiffs’ claims included breach of contract and violation of California’s consumer protection laws. On October 31, 2003, the Honorable Ronald M. Quidachay granted final approval of a nationwide class action settlement providing cash and benefits valued at approximately \$20 million.

Lehman v. Blue Shield of California, No. CGC-03-419349 (Cal. Super. Ct. S.F. Cty.). In this class action lawsuit alleging that Blue Shield engaged in unlawful, unfair and fraudulent business practices when it modified the risk tier structure of its individual and family health care plans, Gibbs Law Group attorneys helped negotiate a \$6.5 million settlement on behalf of former and current Blue Shield subscribers residing in California. The Honorable James L. Warren granted final approval of the settlement in March 2006.

Wixon v. Wyndham Resort Development Corp., No. 07-cv-02361 (N.D. Cal.). Gibbs Law Group attorneys served as class and derivative counsel in this litigation brought against a timeshare developer and the directors of a timeshare corporation for violations of California state law. Plaintiffs alleged that the defendants violated their fiduciary duties as directors by taking actions for the financial benefit of the timeshare developer to the detriment of the owners of timeshare interests. On September 14, 2010, Judge White granted approval of a settlement of the plaintiffs' derivative claims.

Berrien, et al. v. New Raintree Resorts, LLC, et al., No. 10-cv-03125 (N.D. Cal.). Gibbs Law Group attorneys filed this class action on behalf of timeshare owners, challenging the imposition of unauthorized special assessment fees. On November 15, 2011, the parties reached a proposed settlement of the claims asserted by the plaintiffs on behalf of all class members who were charged the special assessment. On March 13, 2012, the Court issued its Final Class Action Settlement Approval Order and Judgment, approving the proposed settlement.

Benedict, et al. v. Diamond Resorts Corporation, et al., No. 12-cv-00183 (D. Hawaii). In this class action on behalf of timeshare owners, Gibbs Law Group attorneys represented plaintiffs challenging the imposition of an unauthorized special assessment fee. On November 6, 2012, the parties reached a proposed settlement of the claims asserted by the plaintiffs on behalf of all class members who were charged the special assessment. On June 6, 2013, the Court approved the settlement.

Allen Lund Co., Inc. v. AT&T Corp., No. 98-cv-1500 (C.D. Cal.). This class action lawsuit was brought on behalf of small businesses whose long-distance service was switched to Business Discount Plan, Inc. Gibbs Law Group attorneys served as class counsel and helped negotiate a settlement that provided full cash refunds and free long-distance telephone service.

Mackouse v. The Good Guys - California, Inc., No. 2002-049656 (Cal. Super Ct. Alameda Cty). This nationwide class action lawsuit was brought against The Good Guys and its affiliates alleging violations of the Song-Beverly Warranty Act and other California consumer statutes. The Plaintiff alleged that The Good Guys failed to honor its service contracts, which were offered for sale to customers and designed to protect a customer's purchase after the manufacturer's warranty expired. In May 9, 2003, the Honorable Ronald M. Sabraw granted final approval of a settlement that provides cash refunds or services at the customer's election.

Mitchell v. Acosta Sales, LLC, No. 11-cv-01796 (C.D. Cal. 2011). Gibbs Law Group attorneys and co-counsel served as class counsel representing Acosta employees who alleged that they were required to work off-the-clock and were not reimbursed for required employment expenses. We helped negotiate a \$9.9 million settlement for merchandiser employees who were not paid for all the hours they worked. The Court granted final approval of the settlement in September 2013.

Rubaker v. Spansion, LLC, No. 09-cv-00842 (N.D. Cal. 2009). Gibbs Law Group attorneys and co-counsel filed a class action lawsuit on behalf of former Spansion employees that alleged that the company had failed to provide terminated employees from California and Texas with advance notice of the layoff, as required by the Workers Adjustment and Retraining Notification Act (WARN Act). The bankruptcy court approved the class action settlement we and co-counsel negotiated in 2010. The settlement was valued at \$8.6 million and resulted in cash payments to the former employees.

Mass Tort

In re Actos Pioglitazone-Products Liability Litigation, No. 6:11-md-2299 (W.D. La.). Ms. De Bartolomeo was among those court-appointed to the Plaintiffs Steering Committee and also served on the Daubert and Legal Briefing Committees, in litigation that resulted in a \$2.37 billion settlement.

In re Yasmin and Yaz (Drospirenone) Marketing, Sales, Practices and Products Liability Litigation, MDL No. 2385, No. 3:09-md-02100 (S.D. Ill.). In litigation that ultimately resulted in settlements worth approximately \$1.6 billion, Ms. De Bartolomeo was appointed to the Plaintiffs Steering Committee and served as Co-Chair of the Plaintiffs' Law and Briefing Committee.

In re Pradaxa (Dabigatran Etexilate) Products Liability Litigation, MDL No. 2385, No. 3:12-md-02385 (S.D. Ill.). Ms. De Bartolomeo was appointed by the court to the Plaintiffs Steering Committee in mass tort litigation that resulted in settlements worth approximately \$650 million.

In re: Sulzer Hip Prosthesis And Knew Prosthesis Liability Litigation, MDL No. 1401 (N.D. Ohio); Cal. JCCP No. 4165 (Cal. Super. Court, Alameda Cty). Mr. Schrag helped recover over \$10 million on behalf of his clients in this multidistrict litigation.

In Re Medtronic, Inc. Implantable Defibrillators Product Liability Litigation, No. 05-md-1726 (D.Minn.). Ms. De Bartolomeo served on the discovery and law committees and provided legal, discovery, and investigative support in this lawsuit, following a February 2005 recall of certain models of Medtronic implantable cardioverter defibrillator devices. Approximately 2,000 individual cases were filed around the country and consolidated in an MDL proceeding in District Court in Minnesota. The cases were settled in 2007 for \$75 million.

Deceptive Marketing

Hyundai and Kia Fuel Economy Litigation, No. 2:13-md-2424 (C.D. Cal.). In a lawsuit alleging false advertising of vehicle fuel efficiency, the court appointed Eric Gibbs as liaison counsel. Mr. Gibbs regularly reported to the Court, coordinated a wide-ranging discovery process, and advanced the view of plaintiffs seeking relief under the laws of over twenty states. Ultimately Mr. Gibbs helped negotiate a revised nationwide class action settlement with an estimated value of up to \$360 million. The Honorable George H. Wu wrote that Mr. Gibbs had "efficiently managed the requests from well over 20 different law firms and effectively represented the interests of Non-Settling Plaintiffs throughout this litigation. This included actively participating in revisions to the proposed settlement in a manner that addressed many weaknesses in the original proposed settlement."

In Re Mercedes-Benz Tele Aid Contract Litigation, MDL No. 1914, No. 07-cv-02720 (D.N.J.). Gibbs Law Group attorneys and co-counsel served as co-lead class counsel on behalf of consumers who were not told their vehicles' navigation systems were on the verge of becoming obsolete. Counsel successfully certified a nationwide litigation class, before negotiating a settlement valued between approximately \$25 million and \$50 million. In approving the settlement, the court acknowledged that the case "involved years of difficult and hard-fought litigation by able counsel on both sides" and that "the attorneys who handled the case were particularly skilled by virtue of their ability and experience."

In re Providian Credit Card Cases, JCCP No. 4085 (Cal. Super. Ct. San Francisco Cty). Mr. Gibbs played a prominent role in this nationwide class action suit brought on behalf of Providian credit card holders. The lawsuit alleged that Providian engaged in unlawful, unfair and fraudulent business practices in connection with the marketing and fee assessments for its credit cards. The Honorable Stuart Pollack approved a \$105 million settlement, plus injunctive relief—one of the largest class action recoveries in the United States arising out of consumer credit card litigation.

In re Hyundai and Kia Horsepower Litigation, No. 02CC00287 (Cal. Super. Ct. Orange Cty). In a class action on behalf of U.S. Hyundai and Kia owners and lessees, contending that Hyundai advertised false horsepower ratings in the United States, attorneys from Gibbs Law Group negotiated a class action settlement valued at between \$75 million and \$125 million which provided owners nationwide with cash payments and dealer credits.

In re MCI Non-Subscriber Telephone Rates Litigation, MDL No. 1275 (S.D. Ill.). This class action lawsuit was brought on behalf of MCI subscribers charged various rates and surcharges instead of the lower rates MCI had advertised. Ten cases were consolidated for pretrial proceedings before the Honorable David R. Herndon. Judge Herndon appointed co-lead counsel for the consolidated actions and Ms. De Bartolomeo played a significant role in the litigation. On March 29, 2001, Judge Herndon granted final approval of a settlement for over \$90 million in cash.

Skold v. Intel Corp., No. 1-05-cv-039231 (Cal. Super. Ct. Santa Clara Cty.). Gibbs Law Group attorneys represented Intel consumers through a decade of hard-fought litigation, ultimately certifying a nationwide class under an innovative "price inflation" theory and negotiating a settlement that provided refunds and \$4 million in cy pres donations. In approving the settlement, Judge Peter Kirwan wrote: "It is abundantly clear that Class Counsel invested an incredible amount of time and costs in a case which lasted approximately 10 years with no guarantee that they would prevail.... Simply put, Class Counsel earned their fees in this case."

Steff v. United Online, Inc., No. BC265953 (Cal. Super. Ct. Los Angeles Cty.). Mr. Gibbs served as lead counsel in this nationwide class action suit brought against NetZero, Inc. and its parent, United Online, Inc., by former NetZero customers. Plaintiffs alleged that defendants falsely advertised their internet service as unlimited and guaranteed for a specific period of time. The Honorable Victoria G. Chaney of the Los Angeles Superior Court granted final approval of a settlement that provided full refunds to customers whose services were cancelled and which placed restrictions on Defendants' advertising.

Khaliki v. Helzberg's Diamond Shops, Inc., No. 11-cv-00010 (W.D. Mo.). Gibbs Law Group attorneys and co-counsel represented consumers who alleged deceptive marketing in connection with the sale of princess-cut diamonds. The firms achieved a positive settlement, which the court approved, recognizing “that Class Counsel provided excellent representation” and achieved “a favorable result relatively early in the case, which benefits the Class while preserving judicial resources.” The court went on to recognize that “Class Counsel faced considerable risk in pursuing this litigation on a contingent basis, and obtained a favorable result for the class given the legal and factual complexities and challenges presented.”

Data Breach and Privacy

In re Anthem, Inc. Data Breach Litig., MDL No. 2617, No. 15-md-02617 (N.D. Cal.). Gibbs Law Group attorneys serve as part of the four-firm leadership team in this nationwide class action stemming from the largest healthcare data breach in history affecting approximately 80 million people. The parties have announced a proposed \$115 million cash settlement (settlement pending Court approval).

In re Adobe Systems Inc. Privacy Litig., No. 13-cv-05226 (N.D. Cal.). In this nationwide class action stemming from a 2013 data breach, attorneys from Gibbs Law Group served as lead counsel on behalf of the millions of potentially affected consumers. Counsel achieved a landmark ruling on Article III standing (which has since been relied upon by the Seventh Circuit Court of Appeals and other courts) and then went on to negotiate a settlement requiring Adobe to provide enhanced security relief—including the implementation and maintenance of enhanced intrusion detection, network segmentation, and encryption.

Whitaker v. Health Net of Cal., Inc., et al., No. 11-cv-00910 (E.D. Cal.); ***Shurtleff v. Health Net of Cal., Inc.***, No. 34-2012-00121600 (Cal. Super Ct. Sacramento Cty). Gibbs Law Group attorneys served as co-lead counsel in this patient privacy case. On June 24, 2014, the court granted final approval of a settlement that provided class members with credit monitoring, established a \$2 million fund to reimburse consumers for related identity theft incidents, and instituted material upgrades to and monitoring of Health Net’s information security protocols.

Smith v. Regents of the University of California, San Francisco, No. RG-08-410004 (Cal. Super Ct. Alameda Cty). Gibbs Law Group attorneys represented a patient who alleged that UCSF’s disclosure of its patients’ medical data to outside vendors violated California medical privacy law. The firm succeeded in negotiating improvements to UCSF’s privacy procedures on behalf of a certified class of patients of the UCSF medical center. In approving the stipulated permanent injunction, Judge Stephen Brick found that “plaintiff Smith has achieved a substantial benefit to the entire class and the public at large.”

Defective Products

In re Hyundai Sonata Engine Litigation, Case No. 5:15-cv-01685 (N.D. Cal.). Gibbs Law Group attorneys served as court-appointed co-lead class counsel on behalf of plaintiffs who alleged their 2011-2014 Hyundai Sonatas suffered premature and catastrophic engine failures due to defective rotating assemblies. We negotiated a comprehensive settlement providing for nationwide recalls, warranty extensions, repair reimbursements, and compensation for class members who had already traded-in or sold their vehicles at a loss. The average payment to class members exceeded \$3,000.

Sugarman v. Ducati North America, Inc., No. 10-cv-05246 (N.D. Cal.). Gibbs Law Group attorneys served as class counsel on behalf of Ducati motorcycle owners whose fuel tanks on their motorcycles degraded and deformed due to incompatibility with the motorcycles' fuel. In January 2012, the Court approved a settlement that provided an extended warranty and repairs, writing, "The Court recognizes that class counsel assumed substantial risks and burdens in this litigation. Representation was professional and competent; in the Court's opinion, counsel obtained an excellent result for the class."

Parkinson v. Hyundai Motor America, No. 06-cv-00345 (C.D. Cal.). Gibbs Law Group attorneys served as class counsel in this class action featuring allegations that the flywheel and clutch system in certain Hyundai vehicles was defective. After achieving nationwide class certification, our lawyers negotiated a settlement that provided for reimbursements to class members for their repairs, depending on their vehicle's mileage at time of repair, from 50% to 100% reimbursement. The settlement also provided full reimbursement for rental vehicle expenses for class members who rented a vehicle while flywheel or clutch repairs were being performed. After the settlement was approved, the court wrote, "Perhaps the best barometer of ... the benefit obtained for the class ... is the perception of class members themselves. Counsel submitted dozens of letters from class members sharing their joy, appreciation, and relief that someone finally did something to help them."

Browne v. Am. Honda Motor Co., Inc., No. 09-cv-06750 (C.D. Cal.). Gibbs Law Group attorneys and co-counsel represented plaintiffs who alleged that about 750,000 Honda Accord and Acura TSX vehicles were sold with brake pads that wore out prematurely. We negotiated a settlement in which improved brake pads were made available and class members who had them installed could be reimbursed. The settlement received final court approval in July 2010 and provided an estimated value of \$25 million.

In Re General Motors Dex-Cool Cases., No. HG03093843 (Cal. Super Ct. Alameda Cty). Gibbs Law Group attorneys served as co-lead counsel in these class action lawsuits filed throughout the country, where plaintiffs alleged that General Motors' Dex-Cool engine coolant damaged certain vehicles' engines, and that in other vehicles, Dex-Cool formed a rusty sludge that caused vehicles to overheat. After consumer classes were certified in both Missouri and California, General Motors agreed to cash payments to class members nationwide. On October 27, 2008, the California court granted final approval to the settlement.

In re iPod Cases, JCCP No. 4355 (Cal. Super. Ct. San Mateo Cty). Mr. Gibbs, as court appointed co-lead counsel, negotiated a settlement that provided warranty extensions, battery replacements, cash payments, and store credits for class members who experienced battery failure. In approving the settlement, the Hon. Beth L. Freeman said that the class was represented by "extremely well qualified" counsel who negotiated a "significant and substantial benefit" for the class members.

Roy v. Hyundai Motor America, No. 05-cv-00483 (C.D. Cal.). Gibbs Law Group attorneys served as co-lead counsel in this nationwide class action suit brought on behalf of Hyundai Elantra owners and lessees, alleging that an air bag system in vehicles was defective. Our attorneys helped negotiate a settlement whereby Hyundai agreed to repair the air bag systems, provide reimbursement for transportation expenses, and administer an alternative dispute resolution program for trade-ins and buy-backs. In approving the settlement, the Honorable Alicemarie H. Stotler presiding, described the settlement as “pragmatic” and a “win-win” for all involved.

Velasco v. Chrysler Group LLC, No. 2:13-cv-08080 (C.D. Cal.). In this class action, consumers alleged they were sold and leased vehicles with defective power control modules that caused vehicle stalling. Gibbs Law Group attorneys and their co-counsel defeated the majority of Chrysler’s motion to dismiss and engaged in extensive deposition and document discovery. In 2015, the parties reached a settlement contingent on Chrysler initiating a recall of hundreds of thousands of vehicles, reimbursing owners for past repairs, and extending its warranty for the repairs conducted through the recall. When he granted final settlement approval, the Honorable Dean D. Pregerson acknowledged that the case had been “hard fought” and “well-litigated by both sides.”

Edwards v. Ford Motor Co., No. 11-cv-1058 (S.D. Cal.). This lawsuit alleged that Ford sold vehicles despite a known safety defect that caused them to surge into intersections, through crosswalks, and up on to curbs. The litigation twice went to the U.S. Court of Appeals for the Ninth Circuit, with plaintiff prevailing in both instances. In the first instance, the appellate court reversed the trial court’s denial of class certification. In the second, the Ninth Circuit affirmed the ruling below that plaintiff’s efforts had generated free repairs, reimbursements, and extended warranties for the class.

Sanborn, et al. v. Nissan North America, Inc., No. 00:14-cv-62567 (S.D. Fla.). Gibbs Law Group litigated this action against a vigorous defense for two years, seeking relief for Nissan Altima owners whose dashboards were melting into a sticky, shiny, gooey surface that they alleged caused a substantial and dangerous glare. After largely prevailing on a motion to dismiss, Gibbs Law Group attorneys and their co-counsel prepared the case to the brink of trial, reaching a settlement just ten days before the scheduled trial start. The settlement allowed class members to obtain steeply discounted dashboard replacements and reimbursement toward prior replacement costs.

Bacca v. BMW of N. Am., No. 2:06-cv-6753 (C.D. Cal.) In a class action alleging that BMW vehicles suffered from defective sub-frames, we negotiated a settlement with BMW in which class members nationwide received full reimbursement for prior sub-frame repair costs as well as free nationwide inspections and program.

Government Reform

Paeste v. Government of Guam, No. 11-cv-0008 (D. Guam); Gibbs Law Group attorneys and co-counsel served as Class Counsel in litigation alleging the Government of Guam had a longstanding practice of delaying tax refunds for years on end, with the Government owing over \$200 million in past due refunds. After certifying a litigation class, Plaintiffs prevailed on both of their claims at the summary judgment stage, obtaining a permanent injunction that reformed the government’s administration of tax refunds. The judgment and injunction were upheld on appeal in a published decision by the Ninth Circuit. *Paeste v. Gov’t of Guam*, 798 F.3d 1228 (9th Cir. 2015).